

No. 22-15278

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PATRICIA LOPEZ, et. al,

Plaintiffs-Appellees,

v.

CITY OF MESA, et. al.,

Defendant-Appellants,

D.C. NO. 2:19-CV-04764-DLR
U.S. District Court for Arizona,
Phoenix

**EMERGENCY MOTION UNDER
CIRCUIT RULE 27-3 TO
CONTINUE ORAL ARGUMENT
SET ON MAY 15, 2023**

Pursuant to Circuit Rule 27-3, undersigned counsel for Appellants Heath Carroll and City of Mesa request, on an emergency basis, that the oral argument scheduled for Monday, May 15, 2023, at 1:30 p.m., be continued and rescheduled for a later date.

Undersigned counsel just discovered a family emergency involving both of her elderly parents. Undersigned counsel is the only adult-child who lives nearby. Local police, federal authorities, and state Adult Protective Services agencies are involved. Undersigned counsel is managing and coordinating numerous responses and resources to stabilize the emergency situation and must be out of the office next week.

Undersigned counsel is the only attorney-of-record for Appellants, and no other attorney can be prepared for Monday's oral argument at this late date. Undersigned counsel understands that oral argument at a rescheduled date/time will be via virtual/remote means.

Appellees' counsel graciously does not oppose this request.

For the foregoing reasons, undersigned counsel for Appellants respectfully requests that the Court vacate and continue the oral argument set for May 15, 2023 at 1:30 p.m. to a later date/time.

DATED this 12th day of May, 2023.

/s/ Kim S. Alvarado

Kim S. Alvarado (#018216)

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Mesa and Heath Carroll*